

TOWN COUNCIL
TOWN OF TRUMBULL
CONNECTICUT
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TOWN HALL
Trumbull, CT

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MINUTES
FEBRUARY 1, 2010

CALL TO ORDER: The regular meeting of the Trumbull Town Council was called to order at 8:18 P.M. by Chairman Carl A. Massaro, Jr. All present joined in a moment of silence and the pledge of allegiance.

ROLL CALL: The Clerk called the roll and recorded it as follows:

Suzanne Testani
Robert J. Pescatore, Jr.
Jeffrey Jenkins
Debra Lamberti
Martha Jankovic-Mark
Carl A. Massaro, Jr.
Chad Ciocci

David Pia
Jane Deyoe
Roberta Bellows
Kristy Waizenegger
Ann Marie Evangelista
Michael London
Tony Scinto

Michael Rappa
Mary Beth Thornton
John Rotondo
John DelVecchio, Jr.
Mark Alteri
James Meisner
Daniel Helfrich

MEMBERS ABSENT: John DelVecchio, Jr.

Chairman Carl A. Massaro, Jr. exercised his right to vote unless otherwise noted.

APPROVAL OF MINUTES: Moved by Ms. Testani, seconded by Ms. Lamberti to approve the Minutes of the Regular Town Council Meeting on January 7, 2010. Minutes adopted unanimously.

Presentation on the "One Book, One Town" Program

Ms. Susan Horton, Library System Director, came forward to present the "One Town, One Book" program. Ms. Horton stated that a group of more than thirty community leaders came together in April 2009 to discuss the possibility of the Trumbull community embarking upon an all community read similar to events that have taken place in neighboring towns such as Stratford and Fairfield. The original concept of an all town

read program was initiated over ten years ago by a Seattle librarian and the practice has since spread country-wide. The concept is based upon the entire town reading one book, which would facilitate a common dialogue about the book and its message supported by activities and events related to the book's theme. To be successful the program must encompass all aspects of the life and fabric of the community involving as many people of all ages as possible. In order to achieve this end Ms. Horton indicated that she is appealing to the Town Council to garner support for this program and, hopefully, participation of Council Members as well.

As part of their April meeting the project planning committee established a basic criteria for book selection. The book should be uplifting and motivating, well written, interesting and engaging. It should be a springboard for successful future programs, able to attract male and female readers as well as readers of all age groups beginning at the middle school level in addition to lending itself to programs for younger children to participate in even if they cannot read the book. There should be graphics, a good story, and be of reasonable length. A timeline of one year to begin this program was set and in the spring of 2009 suggestions were solicited from the public, of which over seventy were received. The committee narrowed this list down to twenty-five and spent the summer reading. In late August the group further streamlined the list to eight final selections. The entire planning committee met again on September 23, 2009 and voted to make "The Selected Works of T.S. Spivet" by Reif Larsen the first book. For anyone interested in reading the selection one-hundred copies of the book have been given to the library through a memorial donation.

During the fall months the programming team developed the project into five categories: programs for inter-generational families, seniors, adults, teenagers, and children. The result is a month-long program with over thirty individual events around the book's primary themes which are: family dynamics and relationships, genealogy, gifted children, railroads, science and religions, bugs and insects, maps and map making, and the Smithsonian. This is all incorporated into one book. A sampling of the activities planned include: an event at Hillcrest Planetarium, a family movie night featuring "Nightmare at the Museum", which relates to the Smithsonian, with pizza provided by Old Towne Restaurant, a visit by the author on Saturday, April 10th, a theme discussion for seniors at Spring Meadows in Meadow Brook Farms, and a science and faith panel – can science and religion coexist. Further, programs specifically geared toward child participation include: the geology program – how to read a map, the Louis and Clarke expedition, a visit to the Agriscience Center, a rodeo round-up musical event, a speaking engagement by gifted child expert Joan Glass, an engagement featuring a cartography professor from Southern Connecticut State University, a performance by the Trumbull High School chamber singers, and, finally a town walk. In addition partner events will take place at the Nature Center and Historical Society. This information will be accessible via website as well as printed in a hard copy brochure which will be available in March 2010. Ultimately, the "One Book, One Town" program aims to increase readers, increase utilization of the library, and, most importantly, bring the Town of Trumbull together.

At this time Mr. Timothy Herbst, First Selectman for the Town of Trumbull, came forward to deliver remarks. Mr. Herbst indicated that he would like to reserve his right as an ex-officio member of this body to comment if the need arises within the course of

discussion on any given agenda items this evening in addition to his prepared remarks. Chairman Massaro indicated that this request has been noted for the record.

Mr. Herbst stated the he would like to address the council this evening regarding two items on their agenda that are of interest to this body and to the community at large. The first issue he wished to address was the proposal before the council to establish a charter revision commission. Mr. Herbst also indicated that he would like to discuss certain resolutions related to the construction of a natatorium at Trumbull High School and the course of action the town should proceed with in regards to this project. He stated that he is providing his opinion and recommendation on certain issues. Mr. Herbst went on to note that it is fair to say that many council members would not be sitting here this evening, nor would he be standing before the group as First Selectman if the people of the Town of Trumbull did not want to see fundamental reforms made to certain areas of its government. As a candidate for First Selectman he spoke of the need for a charter revision commission and tonight he wished to reiterate that need and urge this body to act in establishing said commission. There are some areas in the charter which Mr. Herbst indicated he felt required immediate attention and revision and, with all due respect to his colleague Ms. Mary Beth Thornton, he stated that he does not see the purpose of a study committee to determine a need. Instead he maintained that we must proceed, act and make recommendations.

Mr. Herbst went on to cite some of the aforementioned areas of concern. He noted that, upon taking office at the first Department Head meeting which took place he was informed by the purchasing agent that the town did not have a comprehensive purchasing policy. This policy is necessary and important and Mr. Herbst suggested that Trumbull do as many other towns have already done by establishing such a policy and making it part of the town charter. Another matter requiring remediation is the current standing policy/procedure pertaining to the line of succession. Mr. Herbst explained that, should he not be able to perform his duties for any reason, presently the charter provides that the Director of Finance become the Acting First Selectman in such an event. This would apply to not only the running of our government but also to the initiation of a first response plan, should the need arise. Both the previous and current Acting Finance Director are residents of the Town of Monroe. Therefore, Mr. Herbst submitted that there could conceivably be a situation where an individual who may not be an elector or resident of the town may be required to act as First Selectman. This is serious, particularly if the need to enact a first response plan should present itself and certainly raises the need to pursue charter revision. Mr. Herbst further noted that there are additional issues which will ultimately be left up to the appropriate commission to make recommendations to pursue. Amongst these items is the possible need to combine the Parks Commission and Recreation Commission into one entity as well simple majorities on supplemental appropriations for commissions – which is currently the manner in which the charter operates for this body. The First Selectman also added that the language in the charter that was adopted when the Board of Education was made a seven member Board conflicts with the ruling that was made by the Connecticut Secretary of State in 2005. This is certainly serious enough to warrant re-examining this document in its entirety.

Mr. Herbst recognized that there has been a debate as to the composition of this commission in terms of political parties and whether an attempt to provide more equitable representation of all parties be made in a bipartisan spirit. He noted that while the previous charter commission that was set up in 2003 was comprised of three republicans and three democrats there was a condition preceded in the establishment of that commission that a particular individual serve as a member of the republican caucus. Mr. Herbst submitted that there were predetermined conditions which allowed for the charter revision commission to be selected; therefore while it was technically three-three, equal representation was not provided for. Further, we must consider that if a charter revision commission is, in fact, three-three there are recommendations that could have come before the Town Council that may not even make it out of the charter revision commission itself, as a motion that votes three-three fails. The council would never be able to even consider such a motion nor would it go before the voters. This revelation leads to the most critical point of discussion regarding this initiative. The charter revision commission makes recommendations. They do not make law. They do not change the charter. The only people who determine whether a charter change becomes law are the people of this community. By the time of the next election every voting member of this town will go to the ballots and determine whether or not they agree or disagree with the changes that are being recommended by way of their votes. The First Selectman went on to say that the Town Council, his own administration and every elected representative that serves the community must have faith and confidence in the people to either affirm or deny the choices and recommendations being made. He continued his statements by encouraging the council to act in establishing this charter revision commission to allow this work to move forward and put recommendations before the council and the voters. To conclude this matter, Mr. Herbst spoke to the four candidates being recommended for appointment to the commission by the Republican Party noting that each of these individuals are very much attuned to town government. He stated that Mr. Holden served on the previous charter revision commission, Ms. Hanna previously served as Director of Administrative Services under former First Selectman Ken Halaby, Mr. Friedson is a former member of the Trumbull Board of Finance, and Judge Chiota has served the community honorably over the course of nearly forty years as a councilman, a Board of Finance member and our judge of probate. Further, he encouraged the Democratic Party to submit names for consideration.

At this time First Selectman Herbst approached the issue of the "like-new" renovation of Trumbull High School, specifically the proposal for a natatorium. Mr. Herbst reiterated his comments made before the Education Committee on January 27, 2010. He noted that he greatly respects the work of the Trumbull High School Building Committee and thanked them for their service to the Town of Trumbull and for the contributions they have made. However, he did state that he has several concerns which he would like the council to consider when acting on this item. He stated that as First Selectman he has an obligation to look at the financial impact of every decision made and how it will affect the town in total. The community is faced this year with a \$1.7M revenue shortfall in addition to going into a very tough budget year where mandates are up and state aid is down. Further, the town must address the annual debt service which is steadily climbing as well as seven schools requiring necessary renovations in the years ahead. In addition, we also must deal with a pension fund that is funded at 38% which actuaries have warned if not addressed in a timely fashion will create a great problem for the community in 2021

when the pension fund is depleted and must either be made a line item in the annual budget or pay for it through bonding. These are matters that must be considered in terms of the town's financial future.

Mr. Herbst indicated that, as most of the group is aware an application was filed last year seeking reimbursement for a natatorium. This application was denied by the State of Connecticut Bureau of School Facilities Department of Education in part because the town was informed by the state that the education specifications were not met for this project. The state interpreted the use to be a community pool. After this ruling was made Attorney Denofrio, who was obtained to provide legal advice to the Building Committee, affirmed the ruling of the State Department of Education. Since this matter arose there has been a question as to whether this is a community pool that would likely not be subject to state reimbursement or a Board of Education pool that serves an educational need thus qualifying for reimbursement. In response to this question Mr. Al Barbarotta, Owner's Representation for the project, indicated that in order to maximize the 15% reimbursement on the pool as First Selectman Mr. Herbst would have to co-sign a letter with the Superintendent of Schools indicating that the pool would not be used during regular school hours by the community at large thus ensuring that the town is complying with State Department of Education guidelines concerning reimbursement. The issue remains that, whether one is for or against the "like-new" renovation it cannot be disputed that the purpose of pursuing the \$73M "like-new" renovation was to maximize more reimbursement from the State of Connecticut – 30.71% over-all for the project and 15.35 % total for the natatorium. If, in fact, in order to receive this reimbursement the First Selectman must sign a letter along with the Superintendent of Schools denoting that the pool will not be used during daytime school hours there is concern about spending \$5M on a pool with limited use. The facility would not be used recreationally during these hours but would also not be used educationally as swimming is no longer a part of the district physical education curriculum at the high school and programs such as water safety instruction and life guard certification are no longer offered. We must ensure that if we build a pool it can be utilized at all hours of the day.

The second concern is that, assuming the state requirement is honored that the pool not be used during regular school hours there will be an overwhelmingly large volume of need for use of this facility after school hours. There is question as to how the multitude of programs requiring use of the pool will be able to be satisfied in meeting the communities needs providing that when and how the town uses the pool is determined by the state in order to meet state specifications regarding reimbursement. These are serious issues which require consideration. Further, there is no doubt that irrespective of the outcome of this resolution action will need to be taken regarding the Hillcrest pool beyond eliminating it and leaving vacant space. This is also an issue which must be taken into account. Finally, Mr. Herbst stated that if the decision is made to rescind the bonding authorization he is not adverse to the town examining the concept of a community pool in the global context and determining if and how this can be addressed in the future as the economy improves while ensuring that any pool constructed can be used without time constraints being applied. In closing Mr. Herbst asked that the council consider the points he raised this evening as he believes they are prudent in determining whether or not the bonding authorization will be approved or rescinded and thanked all for their patience and indulgence in allowing him to speak.

At this time the Trumbull High School Building Committee Update was presented including:

- a. Architect's Report
- b. Construction Manager's Report
- c. Owner's Representative Report
- d. Chairman's Report

Comments on this update were limited to the current phase under construction and the phase II design that is under review. Presentations were made by Mr. Greg Smalley of JCJ Architecture, Mr. Tom Walsh of O&G/AP joint venture, Mr. Al Barbarotta of AFB Construction Management – who distributed information attached hereto, and Mr. James Nugent – President of the Trumbull High School Building Committee.

Before proceeding with the regular agenda Chairman Massaro called for a motion to take out of order item number 13, resolution 23-23. Moved by Mr. London, seconded by Mr. Ciocchi.

VOTE: Approved unanimously.

Item 13. RESOLUTION TC 23-23: Moved by J. Rotondo, seconded by R. Pescatore

BE IT RESOLVED that the appointment by the First Selectman of Margaret Pioli of 28 Linley Road, as a member of the Trumbull Day Commission, is hereby approved for a term extending to the first Monday I December, 2013.

VOTE: Adopted unanimously

Regular agenda was resumed.

Item 1. RESOLUTION TC 23-1: Moved by R. Bellows , seconded by K. Waizenneger

BE IT RESOLVED, that the purchase of a single family residence and real estate known as 579 Church Hill Road by the Town of Trumbull be and hereby approved.

Committee Report: The Legislation and Administration Committee met on January 25, 2010 and voted against this item. This resolution failed 1-1-4 (Opposed: S. Testanti, C. Ciocchi, J. Jenkins, K. Waizenneger; Abstention: M. Altieri).

Mr. Altieri noted that in committee he inquired as to whether there was anybody from the Land Acquisition Board present who could speak to questions regarding this item.

Mr. Daniel Krystanski of the Land Acquisition Board came forward to speak. He offered one correction, the actual agreed upon price voted on for this property was \$199,000

not \$198,000. However, the Land Acquisition Board unanimously voted that the property be recommended to the town for purchase.

Mr. Altieri requested that Mr. Krystanski elaborate on how this estimate was arrived at.

Mr. Krystanski indicated that two appraisals were conducted. One was for \$210,000 and the other \$197,000 the latter having been performed on behalf of the town by Mr. Steve Hotsen. After reviewing these appraisals the agreed upon price the property was offered to the town for was \$199,000.

Lastly, Mr. Altieri requested clarification as to whether this piece of property is contiguous with town owned property currently.

Mr. Krystanski stated that this was correct and the town owned property in question is the Helen Plumb Building. Further, he noted that the Land Acquisition Board believed the property should be purchased because of the historical nature of the building and the fact that it is adjacent to both the Plumb Building and Rails to Trails and could therefore offer a comfort station in addition to the aforementioned historical value.

Mr. Altieri was satisfied with this information.

In addition, Chairman Massaro noted that Planning and Zoning did give this project a statutory approval.

VOTE: Failed 13-5 (Opposed: S. Testanti, D. Pia, J. Deyoe, R. Pescatore, J. Jenkins, R. Bellows, D. Lamberti, K. Waizenegger, M. Jankovic-Mark, M. London, C. Ciocchi, T. Scinto)

Item 2. RESOLUTION TC 23-16: Moved by: Ciocchi, seconded by Pescatore

BE IT RESOLVED, that RESOLUTION TC 21-159, which expanded the scope of the Trumbull High School Building Committee to include a “like new” renovation be and is hereby amended to exclude there from, the construction of a natatorium.

Before calling for discussion and questions Chairman Massaro commented on this resolution based on feedback received via e-mail to the council. The input, passion, positions, and interesting suggestions of all who have offered their views on this matter are greatly appreciated regardless of whether you are for or against proceeding with this project. Chairman Massaro indicated that this is not a matter that has been considered lightly and has been a subject of the town for a number of years.

He proceeded to recite a few facts and provide a brief history in order to clarify many of the assertions that have been made about the project in general and specifically about the natatorium. Approximately four years ago a resolution came before the council, TC 21-159, which expanded the scope of the Trumbull High School renovation to the “like-new” status. On the same agenda there was another resolution, TC 21-181, which after

being amended, authorized \$5M in bonds for the construction of a pool. Mr. Massaro noted that nothing had been designed at that point yet \$5M was being earmarked for the pool alone. There was no real direction as to where the project was going, how it would be designed, or what it would be comprised of but \$5M was the authorized funding. The “like-new” scope of renovation was adopted to take advantage of reimbursement for eligible costs from the State of Connecticut. Over time it has been learned that the maximum rate of reimbursement for the entire renovation project would be at 30.71%; however, this is not the rate applied to every eligible cost in the project. Throughout the building, particularly the natatorium, there are areas that receive half the reimbursement rate or no reimbursement. For the pervasive belief to be that the entire project is reimbursable at a rate of 30.71% is an error. The average will ultimately be in the 20-22% range depending on the final design and state approvals. In no event would the natatorium be reimbursed at more than half of the 30.71%, or 15.35%.

Chairman Massaro went on to say that last spring the state ruled that the pool would not be reimbursable and it is now also understood that the natatorium building comprises more than just the pool facility including team rooms and public restrooms. Those items would receive reimbursement at the maximum rate regardless of where they are built. Since last spring the question of whether to go forward with the construction of the pool and whether there could be a change in the status of non-reimbursement or not has been looming. The answer to the latter question has as yet not been determined and it must be. Further, he stated that he attended a Building Committee meeting on January 20, 2010 with a few other members of town government and one of the recurring concerns was what would happen if the pool was removed from the project. Would it affect the overall reimburse-ability of the school? In order to ascertain what the outcome would be the Office of the Superintendent contacted Mr. David Wedge, Education Manager for the Bureau of School Facilities State Department of Education. Chairman Massaro read the following electronic correspondence for the record sent from Ms. Mary Konecny on behalf of Superintendent Iassogna and the subsequent response from Mr. Wedge:

Original correspondence

Sent: Monday, January 25, 2010 1:26 P.M.

Subject: Like New Reimbursement

Good Afternoon, David!

Happy New Year – hope all is going well!

Per your ongoing request that key questions on the THS Renovate as New Project, SDE Project #144-0101/EA/RR, be forwarded from the Superintendent of Schools, I would ask you to respond to the following question that members of my town Council are posing:

Will the elimination of the natatorium and/or funding for the same disqualify reimbursement of the project under the “like new” approval?

*Thank you,
Ralph*

Reply correspondence

Sent: Monday, January 25, 2010 2:37 P.M.

RE: Like New Reimbursement

Ralph –

Removal of the proposed new natatorium from the scope of the proposed high school renovation project would not adversely impact our consideration of the project as a renovation (a.k.a. "Renovate-as-New"). However, if the natatorium is constructed, Trumbull will need to make sure all costs associated with the natatorium are well documented and accounted for separately from the high school renovation project. This may already be an issue as it appears there are architectural design costs associated with the natatorium that have been included in the design costs currently reported as expended on the grant payment request (form ED 046).

Call me at (860) 713-6467 if you have any questions.

Dave Wedge

Cc: file 144-0101

Upon sharing this information Chairman Massaro indicated that he hopes this provides clarity regarding reimbursement and that all are comfortable in the knowledge that whether the vote is affirmative to remove the pool or not, the reimbursement status will not be endangered for the rest of the project.

Committee Report: The Education Committee met on January 27, 2010. This resolution was moved without recommendation by Mr. Ciocchi, seconded by Ms. Jankovic-Mark. VOTE: 4-2 (Opposed: M. Thornton, D. Helfrich). It is duly noted for the record that all of the individuals who spoke as the Education Committee are recorded in the minutes from said meeting.

Chairman Massaro opened up questions to the council floor and dialogue ensued.

Mr. Jenkins questioned Mr. Smalley regarding the estimate for the Hillcrest pool and requested that he verify that the cost for rehabilitating this facility is in fact \$6.9M. Mr. Smalley verified that this is correct. Mr. Jenkins also asked that Mr. Smalley confirm that, as noted during the Education Committee meeting, the ceiling is too low for diving and the pool itself is too shallow for diving as well as the transition area being too close to the diving board. Mr. Smalley confirmed that everything Mr. Jenkins stated was correct. Finally, Mr. Jenkins inquired as to whether the previously cited necessary repairs are reflected in the \$6.9M projected costs to remediate. Mr. Smalley indicated that this figure does not include the re-profiling of the bottom of the pool. Further, to address the issue of diving capability and make the current structure comparable to the pool anticipated in the natatorium would involve removing the pool itself and replacing it.

Mr. Jenkins then asked about the status of the dehumidifying system and whether it was functioning. Mr. Smalley indicated that it is not currently in operating condition and has

been in this state of disrepair for several years. In general, the indoor air quality will be far more humid than is recommended – not in terms of impact on the inhabitants of the environment but as it relates to the effect said humidity has on accelerating the rate of deterioration of the structural members of the pool and the rest of the operating systems as well. They are designed to work in a certain level of humidity and when that level is exceeded these pieces begin to erode quickly.

Mr. Rotondo asked Mr. Smalley to confirm that he indicated it would cost approximately \$7M to repair the Hillcrest pool, more than it would cost to create an entirely new natatorium. Mr. Smalley stated that the estimate for the new natatorium complete with team rooms and access to the fields is slightly over \$7M – between \$7.2M and \$7.4M and the repair of Hillcrest is \$6.95M; however, without remodeling to allow diving capability. Mr. Smalley concurred that factoring in the other necessary changes the total cost to remediate the Hillcrest pool would be at \$7.2M or more.

Mr. Meisner inquired as to other alternatives at Hillcrest beyond the full scope rehabilitation being discussed and whether more simple “patch-up” type repairs could be implemented as a viable option. Mr. Smalley indicated that it would behoove all parties to step back and really look at what the options are. This is currently an operating pool. An evaluation of the building and equipment could be conducted in order to put together a capital improvement program just for that equipment while keeping the building running as is which would address the physical building issues. However, the issues regarding interaction between students and town residents utilizing the pool during school hours would still require attention and vetting. Further, these physical improvements could go beyond this isolated area to the building itself if that scope were to be defined a little more clearly. It does not necessarily have to be part of the same project, though it may need to be scaled back enough to make it an annual payment within the capital improvement plan. Mr. Smalley stated that he does not know the building well enough to determine whether this would ultimately be beneficial to pursue. In addition, he noted that, should the new natatorium be built, the doors to the pool area of Hillcrest could be closed while the town planned forward regarding this space as previously suggested by the First Selectman.

Mr. Meisner noted that at the Education Committee meeting the majority of the public spoke in favor of the construction of the pool as part of the natatorium with only one or two speakers opposing the project. However, several of those who spoke in support of the pool did voice concerns regarding the dual use of the locker rooms by both students and residents frequenting the pool during school hours. He inquired as to whether there may be a cost effective real solution to separating the locker room facilities between the pool and the school. Mr. Smalley stated that the only effective solution would be to separate by the individuals occupying the rooms and that he does not see an easily executed solution within the building as it exists at this time. It would most likely come down to an addition of some sort to create a separate entrance to the building and distinct locker rooms specifically for residents and for students.

Mr. Jenkins questioned Mr. Smalley as to whether, in his professional opinion, it is a sound investment for the town to spend the money discussed above to rehabilitate the Hillcrest pool. Mr. Smalley responded by saying that if all is equal on the dollar side

then one must look at the matter from a programmatic standpoint. Since the majority of the programs on the education side appear to be geared towards high school aged students then situating the pool closer to the high school would probably be preferable.

Mr. Smalley went on to state that in reading through the 2007 report on programming the discussion between Mr. Bill Silvers and Mr. Herbst AD was to establish this as a community pool separate from the high school so that it could function independent of the needs of either one of the schools. He said that if you were to take that logic and flip it over one could make the argument that if it was supposed to be independent from the high school shouldn't it be independent from the middle school as well. If you are looking at spending an equal amount of money on repairing a building that you know is currently an issue for the operation of the middle school now as you would to construct an independent building, you have one middle school that does not have the same programmatic capacity within it as the other one does, and there is a desire on the part of the school administration to have both of the middle schools offering comparable programs then purely from a planning and architectural point of view the suggestion would be to construct the new building which comes closer to the stated programmatic goals. Then long range plans for the middle school could be prepared acknowledging there is a possibility that you may want to recapture the room formerly occupied by the pool.

Ms. Thornton asked Mr. Smalley, in his professional opinion and recognizing that there is a need for an indoor pool in Trumbull, what the specific advantage is to maintaining the pool at Hillcrest and renovating it as opposed to creating a new building. What is the advantage to staying at this site with the existing building, with the existing hole in the ground, with the existing engineering? Mr. Smalley stated that the easy answer is that you have a swimming pool that is now functioning and with a continued investment in that building you can keep that program up and running. However, this would be a philosophical investment in an antiquated swimming pool that does not meet the regulations for the competitions that the town has indicated they need and want therefore causing logistical issues with the operation of the middle school itself. Mr. Smalley went on to state that he has a difficult time making a case for a large scale investment in Hillcrest as opposed to a small scale investment simply to keep the facility running while other potential options are explored, which can be justified. Further, the issue remains of what it might ultimately cost to wait. The market will recover and inflation must be taken into account. Construction services will be in greater demand again and, therefore, such fees will probably outstrip any grant monies secured for building the structure.

Ms. Thornton went on to state that this evening the council received a memorandum from the Superintendent of Schools, Mr. Ralph Iassogna, and in this memorandum there is a portion reading "I have also enclosed a rough estimate, \$125,000, outlining the annual costs to operate the Hillcrest pool. As one can see, particularly from the number of asterisks, pool upkeep is a very complicated effort." Ms. Thornton requested an estimate of what the annual projected costs to operate the new pool would be.

Mr. Smalley indicated that it is certainly possible to estimate an operational cost for the new facility. He noted that one item resulting in some savings with the pool being attached to Hillcrest is custodial costs – at least to a certain degree – as the custodian

taking care of the building at Hillcrest may be assisting with the pool as well. Otherwise, there would be no savings in this area. In terms of operational costs for any pool Mr. Smalley agreed that they are lofty. One way to lower said costs is to work with a geo-thermal system. This would be a retrofit into Hillcrest and built into the new building if so chosen.

Mr. Scinto stated the Ms. Thornton's question was not adequately answered and asked Mr. Smalley for a dollar amount regarding the cost of running the new pool. He stated that the Hillcrest pool is actually costing \$133,000 to operate when factoring in additional weekend use. Mr. Scinto went on to note that he posed this question last year to Mr. Wiles and Mr. Wiles stated that "the pool is going to run itself". This is not realistic, as one has never known anything to run itself. In addition to basic operational costs for the pool itself staff will be required to manage the facility and utilities must also be factored in. These combined costs could conceivably run upwards to \$300,000.

Mr. Smalley indicated that at present he cannot provide an estimated dollar amount because he is not fully versed in every potential cost associated with the management and maintenance of swimming pools. However, he did state that the actual operating costs of any building would range from \$2.50 to \$4.00 per square foot regardless of what the building is. A swimming pool will most likely be slightly more than that given the need for dehumidification of the air and the operating cost of the equipment itself. Another example of such a circumstance is the fees associated with running science classrooms – which would be proportionally higher than the rest of the high school due to the imperative ventilation costs. If a question surrounding science classrooms had been posed this evening the same answer would be offered as in the case of the pool which is that such an estimate would need to be calculated and determined. This is a very specific piece of information which must be ascertained from the pool consultant on the project. Mr. Smalley further stated that the operational costs are determined by the owner, but that the information provided by the Superintendent can certainly be compared with the current costs to determine what can be anticipated. One cannot say that the potential costs would be higher, as the building being constructed will be far more energy efficient in terms of heat loss and operational efficiency of the systems that are being installed. In fact, the systems running Hillcrest presently are most likely expending far more energy – especially given the lack of a dehumidifier – than the new building would. Therefore, operational costs may actually come down. Mr. Smalley concluded his statements by saying that while he cannot provide a specific number immediately he will certainly work towards securing this information.

Mr. Meisner commented that, in his opinion, a 15% state reimbursement on a \$5M facility, while a fair amount of money at \$750,000, would not have a dramatic impact on annual costs and would work out to be less than \$4.00 per year for typical tax payers. He went on to state that he personally believes simply forgoing the state reimbursement may be the best course of action to avoid impairing the use of the pool during school hours, as is currently allowed.

Ms. Thornton took pause to recognize all of the members of the community who were present this evening giving up personal time with their families to observe this council meeting without comment. She asked for a show of hands of the public in favor of going

ahead with the pool project as part of the high school renovation with or without reimbursement. In response with rousing applause, the overwhelming majority of individuals, accounting for practically everyone in attendance regarding this matter, indicated by show of hands that they were positively in favor of moving ahead with this project including the pool, again, with or without reimbursement. Due to the large volume of people present who responded, even extending into the hallway, an accurate numeric count could not be completely determined and is therefore not being recorded. However, to ensure that the community's voice is correctly reflected, it should be noted that this was absolutely the majority consensus without even the slightest hesitation or question.

In fairness, Ms. Thornton asked for a show of hands of those present who were opposed to the pool and those opposed to any indoor pool in Trumbull. There was a count of approximately eight individuals who were against construction of the natatorium pool and one individual opposed to any indoor pool at all.

Ms. Thornton further commented that it appears that everyone understands that the community does need and want an indoor pool, but if we forgo pursuing this construction for five years or more, taking into account inflation, there is a very real possibility that the town will never approved \$10M for such a project.

As a point of clarification Mr. Herbst stated that he never indicated the project would be delayed by five or more years. He also requested clarification that Ms. Thornton feels we should proceed with constructing the natatorium including the pool without state reimbursement – a comment which again drew approving applause from the crowd. Ms. Thornton's reply was that as a council member she is here to represent the residents of this town, not one or two but the majority. This is a democracy and all of the residents present this evening ultimately came forth to voice their opinions and she is listening to their opinions. She went on to state that it is not solely about her opinion as to whether or not to build a pool with or without state reimbursement. Again, the audience responded with enthusiastic applause.

At this time Chairman Massaro called for order by the audience.

Prompted by question from Mr. Pescatore, Mr. Meisner provided more detailed description of his previous statement regarding dollar amount increase per typical tax payer for this project. He clarified the discrepancy between \$4.00 and \$25.00, the other figure that has previously been used. The \$25.00 figure represents the estimated impact on an average tax payer, defined as somebody who is currently paying a \$10,000 per year tax bill, of eliminating the entire \$5M. The \$4.00 figure would be the impact of simply forgoing the state reimbursement of approximately \$750,000. It should also be duly noted that taxes are raised for a multitude of reasons other than capital improvements to the town and this is an important long-term capital improvement. It is possible that the additional tax costs that have escalated over the past eight years were items that were beyond control such as the property revaluation that shifted burden from commercial to residential or the large increase in insurance and energy costs that have been experienced. To suggest that the reason taxes have markedly increased is due primarily to capital

improvements is misleading. It is also important to point out that all of the communities in this area have had similar tax increases with the little exception.

In response to Mr. Meisner's comments Mr. London stated that taxes have gone up because previous town leadership has required they be raised as a result of initiatives which they have introduced including additional staff and programs. To suggest that taxes have been raised due to issues beyond control is only true to a certain extent but is not justification for such a dramatic increase over the aforementioned period of time. Mr. London conceded that Mr. Meisner may be accurate in his assessment that the pool project may increase taxes for the average resident by only \$25.00 per year. But, how much are we willing to spend? What about other items in need to addressing such as renovation of the Police Station which will soon be necessary or remediation of the roof at Jane Ryan Elementary School as well as construction projects at other district schools. These small amounts will absolutely add up to significant and real money. One must also keep in mind that this additional \$25.00 fee does not include the cost of the high school renovation, which all are in favor of. There has to be a point where spending and raising of taxes is curtailed and greater fiscal prudence and responsibility imparted, particularly in such a tenuous economic climate. While he is certainly in favor of having an indoor pool in town this is just not the time to move forward with this project. It would be better addressed at a time in the future when the economy and residents subsequent ability to pay improves.

Mr. Meisner noted that whether or not the decision is made to move forward with construction of the new pool there will still be costs associated with the Hillcrest location, as we need quality town facilities such as this to provide both educational and community services.

Mr. Jenkins requested that Mr. George Wiles, one of the architects on this project, come forward for questions. He inquired as to how many redesigns were completed to bring the pool down to a budget number. Mr. Wiles indicated that a total of ten redesigns were completed. Mr. Jenkins asked whether the pool has tile. Mr. Wiles indicated that the inside of the pool does not have tile, stated it was a cost consideration, and noted that as a result other finishes which were explored. Mr. Wiles further noted that the design expenditures were concentrated on achieving the silver certificate for leeds and/or any other energy recovery systems they could possibly institute. Therefore, in terms of finishes they opted for natural, exposed concrete and steel in order to off set the cost of sophisticated energy recovery systems. Mr. Jenkins confirmed that there is an efficient design on the HVAC system and a sound dehumidifier. Mr. Wiles concurred. Mr. Jenkins further questioned whether, given a few months, it would be possible to determine how cost effective it would be to bid this project with a definitive dollar amount. Mr. Wiles indicated that such an estimate could certainly be determined; however, given the fact that the prices of steel and concrete are at an all time low and currently the steel industry is producing material below its cost that cannot be sustainable, this is the time to bid a project in order to get the most dollar value. Once the prices begin to climb again, and they will, then costs will inevitably rise. He again stated that now is the time to bid and that the range would be 5%.

Mr. Jenkins asked whether issues similar to those surrounding the locker room at Hillcrest have been addressed in the new design. Mr. Wiles noted that they have.

Mr. Jenkins then requested that Mr. Al Barbarotta, Owner's Representative on the project come forward for questions. He asked Mr. Barbarotta to confirm that \$250,000 has been spent on plans and specifications for the pool, team rooms and restroom for the field. Mr. Barbarotta concurred. Further, Mr. Jenkins asked for clarification that if the pool is removed from the project no reimbursement will be received for it. Again, Mr. Barbarotta confirmed. Mr. Jenkins then asked whether the project is ready to go out to bid once attached to the phase II package, in order to get the best bids possible. Mr. Barbarotta stated that technically this project is already approved by the state whereas phase II as yet is not. The pool can go out to bid to see what the real numbers are at virtually no cost. It can be put out to bid immediately separate from phase II, and have a real number to consider in answering these questions. Mr. Barbarotta further indicated that waiting serves no benefit, as this is currently the best bidding environment. The plans and specifications are prepared, there is no cost involved in the bidding process and a definitive dollar amount can be secured. It is important and prudent of the town to at least allow this project to go out for bids.

Mr. Jenkins moved to postpone, seconded by Mr. Pia.

VOTE: Failed 9-11 (Opposed: S. Testani, R. Pescatore, K. Waizenegger, M. London, J. Deyoe, R. Bellows, D. Lamberti, A. Evangelista, C. Massaro, T. Scinto.

A roll call vote was instituted and Chairman Massaro indicated as a point of clarification that a yay vote is to remove the pool from the project.

VOTE: Adopted 11-9 (Opposed: M. Thornton, D. Helfrich, M. Altieri, M. Rappa, J. Meisner, J. Rotondo, J. Jenkins, M. Jankovic-Mark, D. Pia)

A recess was called at 10:42 P.M.

The meeting resumed at 10:59 P.M.

Item. RESOLUTION TC 23-17: Moved by C. Ciocci, seconded by R. Pescatore

BE IT RESOLVED, that authorization for the issuance of \$5,000,000.00 bonds for the construction of a swimming pool adjacent to Trumbull High School approved by RESOLUTION TC 21-181, as amended, is hereby rescinded.

Committee Report: The Education Committee met on January 27, 2010. Mr. Ciocci moved to amend the Education Committee minutes to reflect that resolution 23-17 was moved by Mr. Ciocci, seconded by Ms. Mark to be sent to council without recommendation - passed 4-2 (Opposed: M. Thornton, D. Helfrich). Seconded by Ms. Jankovic-Mark.

VOTE (committee members only): Approved unanimously.

VOTE: Adopted 11-9 (Opposed: M.Thornton,, D. Helfrich, M. Altieri, M. Rappa, J. Meisner, J. Rotondo, J. Jenkins, M. Jankovic-Mark, D. Pia)

Mr. Helfrich left the meeting following this item.

Item 4. RESOLUTION TC 23-18: Moved by D. Lamberti, seconded by J. Jenkins

BE IT RESOLVED, that the Trumbull High School Building Committee is hereby directed to pursue cost reductions for phase II of the “like new” renovation and to submit a written report of proposals for the same to the Town Council.

Committee Report: The Education Committee met on January 27, 2010. This motion failed 3-3 (Opposed: M. Thornton, D. Helfrich, M. Jankovic-Mark).

Mr. Rotondo requested an explanation/definition of the phrase “pursue cost reductions”. Chairman Massaro stated that as written this appears to be a very broad directive. Pursuant to discussion which transpired at the Building Committee meeting of January 20, 2010 the goal is to find ways to substantially reduce the overall cost of the project without jeopardizing state reimbursement. An example of the items mentioned at said meeting was a comprehensive alternates list. It was recommended that the Building Committee present such information to the council in a report which could be reviewed and considered as a means of further reducing the overall cost of the project. Further, Mr. Barbarotta indicated that there is a list in progress which will be provided by the March council meeting.

VOTE: Adopted 17-3 (Opposed: M. Altieri, M. Thornton, J. Meisner)

Chairman Massaro called for a motion to take item 25, resolution TC-23-35 out of order. Moved by Mr. Pescatore, seconded by Mr. London.

VOTE: Approved unanimously.

Mr. Altieri asked that he be recused as his son is part of this Union.

Item 25. RESOLUTION TC-23-35: Moved by Mr. Jenkins, seconded by Ms. Testani.

BE IT RESOLVED that funding for a labor contract between the Town of Trumbull and UPSEU Local 424-Unit 7 (MATE) beginning July 1, 2010 and ending June 30, 2013, is hereby approved

Committee Report: The Legislation and Administration Committee met on January 25, 2010. Moved by Ms. Waizenegger, seconded by Mr. Ciocci that the resolution be amended to state: “BE IT RESOLVED that the arbitration decision dated January 11, 2010 arising out of case number 2010-MBA-34 (MATE) is hereby rejected. VOTE: Adopted unanimously. VOTE: Adopted unanimously as amended.

The Chair recognized an amendment in committee, seconded by Mr. London.

Chairman Massaro clarified that an affirmative vote rejects the contract and a nay vote accepts the contract.

VOTE: 17-1 (Opposed: J. Rotondo) as amended.

VOTE: 12-4-1 (Opposed: M. Thornton, J. Rotondo, M. Rappa, J. Meisner; Abstentions: M. Jankovic-Mark).

Item 5. RESOLUTION TC23-2: Moved by Thornton, seconded by Pia.

BE IT RESOLVED, that an agreement between the Town of Trumbull and Camp Dresser & McKee Incorporated for professional GIS services, be and the same is hereby approved.

Committee Report: The Legislation and Administration Committee met on January 25, 2010 and voted unanimously to approve this resolution.

First Selectman Herbst interjected with a point of order. In conferring with Labor Counsel and he advised that a 2/3 vote of the body is needed to reject an arbitrators award. Therefore, he wanted to ensure we had that 2/3 vote. It was determined that the Chairman must vote on this resolution, which he previously did not do. Ms. Testani moved to bring this resolution back to the floor, seconded by Mr. London. Mr. Altieri again recused himself.

VOTE: Approved unanimously to bring RESOLUTION TC-23-35 back to the floor.

VOTE: 13-4-1 (Opposed: M. Thornton, J. Rotondo, M. Rappa, J. Meisner; Abstentions: M. Jankovic-Mark).

Moved by Mr. London, seconded by Mr. Pescatore to bring RESOLUTION TC23-2 back to the floor.

VOTE: Approved unanimously to bring RESOLUTION TC23-2 back to the floor.

Ms. Testani completed the Committee Report.

VOTE: Adopted unanimously.

Moved by M. Thornton, seconded by J. Rotondo to make this emergency legislation.

VOTE: Adopted unanimously

Item 6. RESOLUTION TC 23-19: Moved by J. Deyoe, seconded by R. Pescatore.

BE IT RESOLVED that the appointment of Lorie King to the Trumbull High School Building Committee is hereby revoked with appreciation for a job well done.

Committee Report: The Rules and Regulations Committee met on January 27, 2010 and voted unanimously to approve this resolution.

Chairman Massaro stated that he spoke with Ms. King in December and she indicated that she no longer had the time to serve on this committee given that she had taken on a second job. She further stated that she intended to resign. Since that time Mr. Massaro has asked on numerous occasions for Ms. King's formal resignation but it did not forthcome and there are people who do want to serve. He again thanked Ms. King for her service.

Mr. Meisner noted that there is another individual whom he unfortunately had to displace on this committee as he took her place on the Town Council, Ms. Kathleen Bivona, who may have an interest in serving. He inquired as to whether there are any other committee members who are similarly inactive who could possibly be replaced in order to reinstate Ms. Bivona to this committee which she has volunteered for over a number of years.

Mr. Massaro noted that he has had this discussion with Democratic Leadership as well as Ms. Bivona and every effort will be made to return her to working status on this committee. He expects to see this on the agenda for March.

VOTE: Adopted 17-1-2 (Opposed: J. Rotondo; Abstentions: Altieri, Thornton).

Item 7. RESOLUTION TC 23-5: Moved by R. Pescatore, seconded by M. London

BE IT RESOLVED, that David Preusch of Woodcrest Road, be and the same is hereby appointed a member of the Trumbull High School Building Committee.

Moved by Mr. Pescatore, seconded by Ms. Testani to amend this resolution to read "BE IT RESOLVED, that David Preusch of 19 Woodcrest Road, be and the same is hereby appointed a member of the Trumbull High School Building Committee."

VOTE: Adopted unanimously as amended.

Committee Report: The Rules and Research Committee met on January 27, 2010 and voted unanimously to approve this resolution.

VOTE: Adopted 17-2-1 (Opposed: Thornton, Rotondo; Abstentions: Altieri).

Item 8. RESOLUTION TC 23-10: Moved by Waizenegger, seconded by Evangelista

BE IT RESOLVED, that the appointment by the First Selectman of Martin McCann of 63 Teeter Rock Road as a member of the Ethics Commission, be and the same is hereby approved for a term extending to the first Monday in December, 2014.

Committee Report: The Rules and Research Committee met on January 27, 2010 and voted unanimously to approve this resolution.

VOTE: Adopted unanimously.

Item 9. RESOLUTION TC 23-11: Moved by M. London, seconded by J. Rotondo.

BE IT RESOLVED, that the appointment by the First Selectman of John Varrone of 70 Merrimac Drive, as an alternate member of the Ethics Commission, be and the same is hereby approved for a term extending to the first Monday in December, 2011.

Committee Report: The Rules and Research Committee met on January 27, 2010 and voted unanimously to approve this resolution.

VOTE: Adopted unanimously.

Item 10. RESOLUTION TC 23-20: Moved by M. Jankovic-Mark, seconded by R. Pescatore

BE IT RESOLVED, that the appointment by the First Selectman of Frank Marcus of 264 Shelton Road, as an alternate member of the Inland –Wetlands Commission, be and the same is hereby approved for a term extending to the first Monday in December, 2011.

Committee Report: The Rules and Regulations Committee met on January 27, 2010 and voted unanimously to approve this resolution.

VOTE: Adopted unanimously.

Item 11. RESOLUTION TC 23-21: Moved by D. Pia, seconded by J. Rotondo

BE IT RESOLVED, that Thomas Pieragostini of 2944 Nichols Avenue, be and the same is hereby appointed to the Land Acquisition Committee for a term extending to the first Monday in December, 2014.

Committee Report: The Rules and Research Committee met on January 27, 2010 and voted unanimously to approve this resolution.

VOTE: Adopted unanimously.

Item 12. RESOLUTION TC 23-22: Moved by A. Evangelista, seconded by R. Bellows.

BE IT RESOLVED, that the appointment by the First Selectman of Cindy Penkoff of 101 Columbine Drive, as a member of the Trumbull Day Commission, is hereby approved for a term extending to the first Monday in December, 2014.

Committee Report: The Rules and Research Committee met on January 27, 2010 and voted unanimously to approve this resolution.

VOTE: Adopted unanimously.

Item 13. Taken out of order and addressed above.

Item 14. RESOLUTION TC 23-24: Moved by J. Meisner, seconded by K. Waizenegger

BE IT RESOLVED, that five thousand five hundred (\$5,500.00) dollars from the unreserved balance of the general fund is hereby appropriated to Library Account 01070000-578802, maintenance, repairs, building and equipment.

Committee Report: The Finance Committee met on January 25, 2010 and voted unanimously to approve this resolution.

Mr. Pescatore noted for the record that, as the Finance Committee Chairman he does not like to see supplemental appropriations being made from the general fund during the budget year; however, this is an emergency situation and will hopefully be passed this evening. In the future he would like to wait until the end of the fiscal year.

VOTE: Adopted unanimously.

Item 15. RESOLUTION TC 23-25: Moved by M. Altieri, seconded by D. Pia

BE IT RESOLVED, that Timothy M. Herbst, First Selectman, be and is hereby authorized to sign an agreement entitled:

“Agreement between the State of Connecticut and the Town of Trumbull for the Construction, Inspection, and Maintenance of the Pavement Rehabilitation and Resurfacing of Whitney Avenue utilizing Federal Funds under the American Recovery and Reinvestment Act of 2009, Public Law 111-5 (hereinafter “Act”).”

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TRUMBULL,
CONNECTICUT THIS FIRST DAY OF FEBRUARY, 2010.

Clerk: Nicole D’Agostino

Seal

Date: February 1, 2010

Committee Report: The Finance Committee met on January 25, 2010 and voted unanimously to approve this resolution.

VOTE: Adopted unanimously

Item 16. RESOLUTION TC 23-26: Moved by M. Altieri, seconded by M. Thornton.

BE IT RESOLVED AND ORDAINED, that a Fee Schedule Ordinance be and is hereby approved for the Office of the Tax Collector, as follows:

The Tax Collector shall charge the following fees for copies:

Duplicate Tax Bills	\$2.00
Other Tax Information	\$1.00 per page.

Provided; no Town government body or office shall be charged a fee for copies of tax bills or printed tax information for use in the conduct of Town business.

The provisions of this ordinance shall take effect July 1, 2010.

Committee Report: The Legislation and Administration Committee met on January 25, 2010 and voted unanimously to approve this resolution.

VOTE: Adopted unanimously.

Item 17. RESOLUTION TC 23-27: BE IT RESOLVED AND ORDAINED, that a False Alarm Abatement Ordinance be and is hereby approved as per the attached.

Moved by Ms. Testani, seconded by Mr. Pescatore to take out of committee and place on March 1, 2010 agenda.

VOTE: Adopted unanimously.

Item 18. RESOLUTION TC 23-28: Moved by J. Rotondo, seconded by J. Meisner.

BE IT RESOLVED, that a Charter Revision Study Committee is hereby established, consisting of six (6) members, no more than three (3) of whom shall be members of the same political party. The charge of said committee shall be to determine the need for a Charter Revision Commission, and if the need is established, to indicate what matters said Commission should consider. Three of the members of the Charter Revision Study Committee shall be appointed by the Chair of the Town Council and three of the members shall be appointed by the Minority Leader of the Town Council. The committee shall report to the Town Council with its findings no later than June 30, 2010.

Committee Report: The Legislation and Administration Committee met on January 25, 2010 and voted not to approve this resolution. VOTE: Failed 2-4 (Opposed: S. Testani, C. Ciocchi, J. Jenkins, K. Waizenegger).

VOTE: Failed 14-6 (Opposed: Pia, Pescatore, Jenkins, Waizenegger, Jankovic-Mark, London, Ciocchi, Testani, Deyoe, Bellows Lamberti. Massaro, Scinto, Evangelista).

Item 19. RESOLUTION TC 23-29: Moved by C. Ciocchi, seconded by R. Pescatore.

BE IT RESOLVED, that the Trumbull Town Council hereby authorizes a six (6) member commission and has initiated a second revision of the Charter of the Town of Trumbull as approved November 3, 1981 and as revised on November 4, 2003.

Committee Report: The Legislation and Administration Committee met on January 25, 2010. Mr. Jenkins proposed an amendment to this resolution to state "BE IT RESOLVED, that the Trumbull Town Council authorizes a six (6) member commission and is initiated a revision of the Charter of the Town of Trumbull as revised November 4, 2003. A draft report to be submitted by the Charter Revision Commission to the Town Council as of February 2011." The reason for this adjustment being that a report date must be specified as per section 7-190 in the municipal code. Moved by Mr. Jenkins, seconded by Mr. Ciocchi. This resolution was adopted unanimously as amended.

The Chair recognized the amendment in committee and called for a second. Seconded by Mr. Pia.

VOTE: Adopted unanimously as amended.

Mr. Meisner moved that this resolution be amended to state that no more than three members of the committee be from one party in the interest of making this a bipartisan effort. He further mentioned, although it does not have to be part of the formal language, that there is no objection to the appointment of an independent. The composition of the committee does not have to be three republicans and three democrats; however, having no more than three representatives from a single party would make this a more bipartisan undertaking.

Chairman Massaro requested clarification for the record of the specific amendment.

Mr. Meisner indicated that the language be "no more than three members of this committee shall be from one political party."

Chairman Massaro state that this language will be inserted on the second line after the word "commission" to read: "BE IT RESOLVED, that the Trumbull Town Council hereby authorizes a six (6) member commission, no more than three members of this committee shall be from one political party, and has initiated a revision of the Charter of the Town of Trumbull as approved November 3, 1981 and as revised on November

4, 2003. A draft report to be submitted by the Charter Revision Commission to the Town Council as of February, 2011.”

Moved by Mr. Meisner, seconded by Mr. Altieri.

Mr. Altieri commented that he is not opposed to charter revision and he was present for the 2003 charter revision endeavor. It is a very serious matter to open up the charter. He does believe there are some very good, knowledgeable people being recommended for the commission, some of whom served on the 2003 commission – in particular Mr. Holden. Even with that, as the First Selectman pointed out previously, the charter revision that passed through a bipartisan charter revision commission and the Town Council to make it to the referendum is flawed and is again being recommended for adjustment. Mr. Altieri stated that he cannot see what recommendations could be made to this charter for the good of the Town of Trumbull that would not be passed through a bipartisan commission. This is why he supports this amendment.

Mr. Herbst again addressed the premise that the previous commission was truly bipartisan. He indicated that he was involved in town government at the time when the last charter revision commission was established. Further, he conferred with Mr. Holden, who is being nominated for the current charter revision commission as well as having served as a member of the previous commission. Mr. Herbst stated that when the 2003 commission was established the split of the council was 11-10, nearly equal, and required a 2/3 vote of the body to approve. He asserted that a condition preceded by his predecessor before this commission was constituted was that a particular individual, Mr. Tyborowski, who did in fact serve on the 2003 charter revision commission, be a member of said commission. Therefore, while technically three-three he would submit that if he were to approach his colleagues on the other side of the isle and indicate that this decision is conditioned upon the democrat of his choosing being appointed that is not truly bipartisan. Further, Mr. Herbst stated that the reason why he is concerned with proceeding with a three-three commission is because, as he noted earlier, a charter revision commission does not make changes, they make recommendations. The only people that make changes are the people of Trumbull, the voters of Trumbull. He only wants to avoid having recommendations be tied-up in the commission on a three-three deadlocked vote and therefore not reaching the council floor and subsequently not going before the people for their consideration. Mr. Herbst went on to state that he feels there are many existing problems in the current charter that were not addressed by the previous commission because recommendations were mired within said commission on deadlocked votes or due to non-consensus that never reached the floor or the community. One such example of these existing problems is the language within the charter that specifically vests appointment authority with the First Selectman. There is an issue as to whether that appointment authority is absolute or whether it can be challenged. This is something that needs to be rectified. While he respects his democratic colleagues and their point of view he does not want good ideas to be suppressed for political reasons, but instead aims to ensure that such ideas and recommendations get to the floor of the council and before the voters to afford them a voice.

Further, Mr. Herbst indicated that he has entertained a conversation on this matter with the Democratic Town Chairperson Ms. DiNardo and he expressed these same sentiments to her. When she asked why he did not support a three-three commission he told her that if he believed there was a good faith effort on the part of both parties to make substantive reform to this document in the interest of the people his view may be different. He further indicated that he feels there is a philosophical difference between the parties concerning whether the charter should even be opened. However, should this resolution be approved, potential candidates were discussed with Ms. DiNardo.

Ms. Thornton questioned whether Ms. DiNardo agreed to the current proposed structure of the commission of four republicans and two members of other parties. Mr. Herbst indicated that he and Ms. DiNardo do not agree on this point. Ms. Thornton then asked for clarification, based on the First Selectman's previous statements, that the recommendation for composition of the charter revision commission is four republicans and two members of other parties in order to ensure that the republicans move items out to the floor. Mr. Herbst replied that he wants to make certain that decisions are made and that he would encourage the submission of names for this commission. To this end, over the course of the past two months there have been numerous available positions on boards and commissions which Mr. Herbst has encouraged Ms. DiNardo to recommend candidates for and these recommendations have not been forthcoming. He indicated that, to date we have not received many nominations for boards and commissions where there are eligible seats. Ms. Thornton stated that she was not asked for nominations to the charter revision commission. Mr. Herbst responded by noting that he believes there are thirty days to act from the date of this meeting. Ms. Thornton further noted that there are already four potential republican appointees on the current agenda before the council, a point to which Mr. Herbst agreed. From her perspective if she was going to serve on a committee where she was told there were going to be four individuals from the opposing party ensuring that recommendations are moved past her out to the floor she would feel as though her voice was not going to be heard. The First Selectman countered that there are now and have been in the past town boards and commissions comprised disproportionately in terms of political party that make decisions and policy and move the government forward. This is how government works. Ms. Thornton replied that this is not a merely about a board or commission but the constitution of our town, the very core of Trumbull. This is completely what we are and to be appointed to a commission where there will be four members of the opposing party moving the agenda along is wrong. The First Selectman replied by noting that Ms. Thornton's analogy regarding the charter being akin to the constitution is appropriate and therefore he asked her whether there are requirements in ratifying the federal constitution that call for equal representation. Ms. Thornton stated that there are no state statutes that require party representation. The First Selectman countered that he is referring to federal requirements, because she is calling this a constitution. Therefore, since she raised the analogy, if this is our local constitution in comparing to the federal constitution he would like to know what federal regulations, statutes, and areas of the constitution are in place requiring equal representation to amend the federal constitution. Ms. Thornton reiterated her

previous point that, as per state statutes, there is no requirement for party representation when opening a charter.

At the close of this discussion Chairman Massaro stated that this debate will be noted.

Mr. Altieri indicated that all of the items proposed for charter revision thus far are matters that should be discussed and it would be appropriate for these issues to come before the council. What he is unclear about is the First Selectman's intimation that a certain individual under Chairman Vonnick was appointed to the 2003 commission as a result of some type of deal. Mr. Altieri stated that, just as it will be necessary this evening, fourteen yay votes were required to open the charter up. He cannot recall the specific vote, but clearly all parties came together in a bipartisan fashion to enact that commission. Further, Mr. Altieri sought clarification regarding some of the First Selectman's statements. It was asserted that one member of the previous commission was appointed as a result of a separate arrangement. Mr. Herbst then suggested that during this charter revision commission session there were deadlocked votes, as a result, items were not brought before the council that should have been. These notions seem contradictory and are cause for confusion. Mr. Altieri noted that he was present during this time and he does not have any recollection of these events.

Mr. Herbst replied that he did not intimate anything and that his statements were all confirmed by Mr. Holden, who was appointed to the 2003 charter revision commission. He reiterated that a condition contingent to even having the council vote to establish a charter revision commission was that a particular person, who was a republican, be appointed at the request for former First Selectman Baldwin, a democrat. Further, Mr. Herbst encouraged Mr. Altieri to speak with Mr. Holden directly. There is still some uncertainty surrounding this matter; however, Mr. Altieri replied that, as per Mr. Herbst statements, the previous commission was, in fact, a three-three composition and it still took everybody to agree in order for it to happen. It was not a matter that was pushed through without bipartisan support. The council was not configured under Chairman Vonnick, it had to have bipartisan support to come to fruition.

Mr. Meisner stated that while there are many items which everyone could agree would be great revisions to the charter, there is concern that if the commission is tilted in one way politically there may be additional items brought under consideration, such as referenda, that could jeopardize the process. Having a bipartisan appearance may result in the commission being more effective in what it needs to accomplish.

VOTE: Amendment Failed 5-14-0 (Opposed: Pia, Pescatore, Jenkins, Waizenegger, Jankovic-Mark, London, Ciocci, Testani, Deyoe, Bellows, Lamberti, Evangelista, Massaro, Scinto).

Mr. Herbst indicated that rumors suggesting that this commission will move to eliminate minority representation are totally unfounded and he believes this to be wrong. He supports minority representation.

VOTE: Approved 14-5-0 (Opposed: Rappa, Thornton, Rotondo, Altieri, Meisner).

Item 20. RESOLUTION TC 23-30: Moved by J. Deyoe, seconded by S. Testani

BE IT RESOLVED, that Russell Friedson of 30 Dogwood Lane, be and the same is hereby appointed a member of the Second Charter Revision Commission.

Committee Report: The Rules and Research Committee met on January 27, 2010 and voted 4-1 (Opposed: M. Rappa) to approve this resolution.

Mr. Altieri stated that he has a procedural issue. He believes it was improper for these items to appear on the committee agenda because during said committee four appointments were passed for a commission that as yet did not exist. Once these resolutions are passed they do not take effect immediately. Therefore, people cannot be appointed to a committee that does not exist and it is his understanding that there are thirty days to act. As a point of procedure it may be most appropriate that these resolutions be voted on during the next session.

Attorney Walsh noted that a fair reading of the statute, section 7-190 indicates that within thirty days after such action has been initiated by a vote appointing authority or by certification of a petition the appointing authority shall by resolution appoint a commission consisting of not fewer than five and no more than fifteen electors. He believes that these requirements have been met under the statute.

VOTE: Approved 13-4-1 (Opposed: Rappa, Thornton, Rotondo, Meisner; Abstention: Altieri).

Item 21. RESOLUTION TC 23-31: Moved by London, seconded by Pescatore

BE IT RESOLVED, that Gail Hanna of 1617 Huntington Turnpike, be and the same is hereby appointed a member of the Second Charter Revision Commission.

Committee Report: The Rules and Research Committee met on January 27, 2010 and voted 4-1 (Opposed: M. Rappa) to approve this resolution.

Moved by Mr. Ciocchi, seconded by Mr. Pia to amend this resolution to remove the word "second" therefore reading: "BE IT RESOLVED, that Gail Hanna of 1617 Huntington Turnpike, be and the same is hereby appointed a member of the Charter Revision Commission."

VOTE: Approved 16-0-1 (Abstention: J. Rotondo) as amended.

VOTE: 12-3-2 (Opposed: M. Rappa, M. Thornton, J. Meisner; Abstentions: M. Altieri, J. Rotondo).

Moved by Mr. Ciocchi, seconded by Mr. Pescatore to recall RESOLUTION TC 23-30.

Moved by Mr. Pescatore, seconded by Mr. London to amend this resolution to remove the word “second” therefore reading: “BE IT RESOLVED, that Russell Friedson of 30 Dogwood Lane, be and the same is hereby appointed a member of the Charter Revision Commission.”

VOTE: Approved 16-0-1 (Abstention: J. Rotondo) as amended.

VOTE: Approved 13-4-1 (Opposed: Rappa, Thornton, Rotondo, Meisner; Abstention: Altieri).

Item 22. RESOLUTION TC 23-32: Moved by J. Jenkins, seconded by S. Testani

BE IT RESOLVED, that William Holden of 6 Woodfield Drive, be and the same is hereby appointed a member of the Second Charter Revision Commission.

Committee Report: The Rules and Research Committee met on January 27, 2010 and voted 4-1 (Opposed: M. Rappa) to approve this resolution.

Moved by Mr. Jenkins, seconded by Ms. Testani to amend this resolution to remove the word “second” therefore reading: “BE IT RESOLVED, that William Holden of 6 Woodfield Drive, be and the same is hereby appointed a member of the Charter Revision Commission.”

VOTE: Adopted unanimously as amended.

VOTE: Adopted 13-4-1 (Opposed: M. Rappa, M. Thornton, J. Rotondo, J. Meisner; Abstention: M. Altieri)

Item 23. RESOLUTION TC 23-33: Moved by M. London, seconded by S. Testani.

BE IT RESOLVED, that John P. Chiota of 35 Iron Gate Road, be and the same is hereby appointed a member of the Charter Revision Commission.

Committee Report: The Rules and Research Committee met on January 27, 2010 and voted 4-1 (Opposed: M. Rappa) to approve this resolution.

Moved by Mr. London, seconded by Ms. Testani amend this resolution to remove the word “second” therefore reading: “BE IT RESOLVED, that John P. Chiota of 35 Iron Gate Road, be and the same is hereby appointed a member of the Charter Revision Commission.”

VOTE: Adopted unanimously as amended.

VOTE: 12-3-2 (Opposed: M. Rappa, M. Thornton, J. Meisner; Abstentions: M. Altieri, J. Rotondo).

Moved by Mr. Rotondo, seconded by Mr. Ciocchi to bring RESOLUTION TC 23-29 back to the floor.

It was determined that this resolution had in fact been appropriately amended in committee and the amended resolution had been voted on this evening therefore Mr. Rotondo withdrew his motion.

Item 24. RESOLUTION TC 23-34: Moved by D. Lamberti, seconded by S. Testani.

BE IT RESOLVED AND ORDAINED, that Section 4-171, sub-section (b) of the Trumbull Municipal Code, be and the same is hereby repealed and the following enacted in its place:

(b) The schedule of fees for permits as hereinafter described shall be:

<u>Type of Construction</u>	<u>Fee</u>
1. New Residential construction, alterations Or additions (based upon estimated costs)	\$20.00 for the first \$1,000 and \$10.00 for each additional \$1,000 Or fraction thereof
2. New Commercial construction, alterations or additions (based on estimated cost)	\$20.00 for the first \$1000 and \$12.00 for each additional \$1000 or fraction thereof
3. Plumbing, Electrical, H.V.A.C.	\$5.00 per \$100 or any fraction thereof for the first \$1000 and \$10.00 for each \$1000 thereafter minimum \$40.00
4 Pool Permits a) In ground and permanent above ground pools	\$50.00 per installation to \$2000, then \$10.00 per \$1,000 per thousand or fraction thereof
b) Portable pools (with electrical filtration systems)	\$20.00 per installation
5. Demolition permits (based on estimated Cost of demolition)	\$20.00 for the first \$1,000 and \$10 or any fraction thereof (no State Ed. Fee)
Note: There is a \$250 administrative Fee for historical buildings	

- | | |
|---|--|
| <p>6. Temporary Kiosks, displays and other similar structures, including permitted exhibits in covered malls</p> | <p>\$20.00 per 300 sq ft with a min. of \$20.00, payable by the owner of the of the real estate or its agent. Non-profit organizations are Exempt from this fee.</p> |
| <p>7. Certificate of Occupancy</p> | <p>\$10 for each Residential permit
\$ 25 for each Commercial permit</p> |

Note: There is an additional State Education Fee of \$.22 (twenty-two cents) per thousand dollars of value.

Permits for work on a Town of Trumbull owned structure are exempt from the fees in this schedule.

Except for emergencies, any person who commences any work before first obtaining the necessary permits shall be subject to the following penalty:

Double the normal permit fee plus \$50.00.

The Trumbull Building Department shall notify the State Licensing Board of these actions.

Committee Report: Mr. Altieri proposed that the fee schedule be amended to delete Oil Burner Permit, Fence Permit and Driveway permit. Subsequent to those deletions the document should be re-numbered to reflect in sequential order the remaining seven (7) items. Seconded by Mr. Jenkins. VOTE: Adopted unanimously. VOTE: Adopted unanimously as amended

Moved by Mr. Jenkins, seconded by Mr. Pia to adopt the revised schedule as amended in committee.

VOTE: Adopted unanimously.

VOTE: Adopted unanimously as amended.

Item 25. Taken out of order and addressed above.

Mr. Altieri moved to adjourn, seconded by Mr. Pia. With no further business to discuss, this second meeting of the Twenty-Third Council was adjourned at 12:54 A.M. with unanimous consent.

Respectfully submitted,



Nicole D'Agostino
Council Clerk